

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MOISES REYNA-LEYVA, S CIVIL ACTION
Plaintiff S
S
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VS. S NO. 02-16-CV-00035
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NORMA LINDA PEREZ and DATA S
PROCESSING SPECIALISTS, INC., S
Defendants S (JURY TRIAL DEMANDED)

ORIGINAL ANSWER OF DEFENDANTS
NORMA LINDA PEREZ AND
DATA PROCESSING SPECIALISTS, INC.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW two of the Defendants in this case, NORMA LINDA PEREZ and DATA PROCESSING SPECIALISTS, INC., and for their Answer in reply to Plaintiff's Original Complaint, would respectfully show unto this Court the following:

FIRST DEFENSE

I.

The venue of this action does not lie in the Corpus Christi Division of this Court, but, on the contrary, venue lies, if this suit is maintainable at all, in the Brownsville Division of this Court, for the following reasons: "(b) Venue in general. A civil action may be brought in - (1) a judicial district in which any

Defendant resides, if all Defendants are residents of the State in which the district is located [which is not the case here, as two of the named Defendants "reside" in Colorado]; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred ... [where most of the said Defendants reside, in Cameron County, Texas, in the Brownsville Division of the Southern District of Texas]; . . ." 28 U.S.C. § 1391.

II.

Accordingly, this case should be transferred from the Corpus Christi Division to the Brownsville Division, in the interest of justice and fairness, where any actions of (most of) the Defendants took place.

SECOND DEFENSE

The Plaintiff's Complaint fails to state a valid claim against the said Defendants upon which relief can be granted, in accordance with Fed. R. Civ. P. 12 (b) (6).

THIRD DEFENSE

The said Defendants respond to the specific paragraphs of the Plaintiff's Complaint, as follows:

I.

The said Defendants are without knowledge or information sufficient to form a belief as to the truth of any of the facts alleged in Paragraph I (Preliminary Statement) of the Complaint.

II.

The said Defendants deny the allegations that are set forth in Paragraph I of the Complaint.

III.

The said Defendants do not object to the Court's jurisdiction over this case, but deny the applicability of 18 U.S.C. § 1961, et seq. (the Racketeer Influenced And Corrupt Organizations Act [RICO]) to this case, which contention will be supported by the facts that will be developed throughout this case.

IV.

The said Defendants are without knowledge or information sufficient to form a belief as to the truth of some of the facts alleged in Paragraph IV (Parties) of the Complaint, while, at the same time, the said Defendants deny some of the allegations that are set forth in Paragraph IV of the Complaint.

V.

The said Defendants are without knowledge or information sufficient to form a belief as to the truth of some of the facts alleged in Paragraph V (Factual Allegations) of the Complaint,

while, at the same time, the said Defendants deny some of the allegations (and all of the accusations) that are set forth in Paragraph V of the Complaint (which, on information and belief, cannot be substantiated by the Plaintiff).

VI.

The said Defendants are without knowledge or information sufficient to form a belief as to the truth of some of the facts alleged in Paragraph VI (Claims For Relief) of the Complaint, while at the same time, the said Defendants deny some of the allegations (and the claims for relief) that are set forth in Paragraph VI of the Complaint (which, on information and belief, cannot be substantiated by the Plaintiff).

VII.

The said Defendants are without knowledge or information sufficient to form a belief as to the truth of some of the facts alleged in Paragraph VII (Prayer For Relief) of the Complaint, while at the same time, the said Defendants deny all of the allegations (and the prayer for relief) that are set forth in Paragraph VII of the Complaint (which, on information and belief, cannot be substantiated by the Plaintiff).

FOURTH DEFENSE

The Plaintiff cannot recover in this action against the various Defendants because this case is frivolous and filed in bad

faith, in that a large number of allegations of the Plaintiff in this case are not true.

* * *

WHEREFORE, the said Defendants, NORMA LINDA PEREZ and DATA PROCESSING SPECIALISTS, INC., request that Plaintiff take nothing by this action, that the said Defendants have judgment for their costs of suit and attorney fees herein, and that the said Defendants have such and other further relief as the Court may find to be just and equitable.

DATED this 22nd day of March, 2016.

Respectfully submitted,

/s/ Brian G. Janis

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OF COUNSEL TO THE SAID DEFENDANTS

OF COUNSEL:

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THE STATE OF TEXAS
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COUNTY OF CAMERON S

VERIFICATION

BEFORE ME, the undersigned Notary Public, on this day personally appeared NORMA LINDA PEREZ, one of the Defendants in this civil proceeding, who being by me duly sworn, under oath, stated that: (1) she is one of the Defendants in the above-entitled and numbered case, (2) she is authorized to execute this Affidavit, pursuant to the Federal Rules of Civil Procedure, (3) she has read the foregoing Original Answer of the Defendants in the foregoing case, (4) she confirms all of the various factual allegations set forth in this Answer, (5) every statement (of fact) contained in this Answer is within her personal knowledge and is true and correct in all particulars, (6) she has the legal capacity to execute this Affidavit, and (7) all of the allegations set forth in the foregoing Answer are true in substance and in fact.



NORMA LINDA PEREZ, Defendant

OF COUNSEL:

MARIA LINDA GONZALEZ, Attorney
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THE STATE OF TEXAS
COUNTY OF CAMERON

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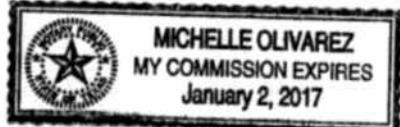
VERIFICATION

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NORMA LINDA PEREZ, Defendant

SUBSCRIBED AND SWORN TO BEFORE ME on this 23rd day of March, 2016, to certify which witness my hand and official seal.



Michelle Olivarez
Notary Public in and for
The State Of Texas

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CERTIFICATE OF SERVICE

This is to certify that the foregoing Original Answer of the said Defendants will be forwarded to the Plaintiff in this case, through his respective counsel, as set forth in the cover letter for this Original Answer, on this 23rd day of March, 2016.

/s/ Brian G. Janis
Brian G. Janis